

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

CHARLES FLOYD, JR.,	:	CIVIL ACTION NO. 1:16-CV-1420
	:	
Plaintiff	:	(Chief Judge Conner)
	:	
v.	:	
	:	
COMMONWEALTH, et al.,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 8th day of August, 2017, upon consideration of the report (Doc. 19) of Chief Magistrate Judge Susan E. Schwab, issued following comprehensive review of the amended complaint (Doc. 8) of *pro se* plaintiff Charles Floyd, Jr. (“Floyd”), pursuant to 28 U.S.C. § 1915(e)(2)(B), wherein Judge Schwab recommends that the court dismiss Floyd’s amended complaint for failure to state a claim for which relief may be granted, and further recommends that leave to amend be denied in view of Floyd’s repeated failure to cure the deficiencies identified in his pleading, (see Doc. 19 at 15-28), and it appearing that no party has objected to the report,¹ see FED. R. CIV. P. 72(b)(2), and the court noting that failure of a party to timely object to a magistrate judge’s conclusions “may result in forfeiture of *de novo*

¹ On July 3, 2017, the court received correspondence purporting to be authored by a “Dr. Morganstein” indicating that Floyd had been hospitalized and would remain hospitalized until approximately July 6, 2017. (Doc. 20). In view of this correspondence, the court withheld review of Judge Schwab’s report for one month to allow for late-filed objections by Floyd. Having received none, the court concludes that Floyd has waived the opportunity to object to the report.

review at the district court level,” Nara v. Frank, 488 F.3d 187, 194 (3d Cir. 2007) (citing Henderson v. Carlson, 812 F.2d 874, 878-79 (3d Cir. 1987)), but that, as a matter of good practice, a district court should “afford some level of review to dispositive legal issues raised by the report,” Henderson, 812 F.2d t 878; see also Taylor v. Comm’r of Soc. Sec., 83 F. Supp. 3d 625, 626 (M.D. Pa. 2015) (citing Univac Dental Co. v. Dentsply Int’l, Inc., 702 F. Supp. 2d 465, 469 (M.D. Pa. 2010)), in order to “satisfy itself that there is no clear error on the face of the record,” FED. R. CIV. P. 72(b), advisory committee notes, and, following independent review of the record, the court being in full agreement with Judge Schwab’s recommendation, and concluding that there is no clear error on the face of the record, it is hereby ORDERED that:

1. The report (Doc. 19) of Magistrate Judge Schwab is ADOPTED.
2. Floyd’s amended complaint (Doc. 8) is DISMISSED with prejudice.
3. The Clerk of Court is directed to CLOSE this case.
4. Any appeal from this order is deemed to be frivolous and not taken in good faith. See 28 U.S.C. § 1915(a)(3).

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania